

DOCKET FILE COPY ORIGINAL

LAW OFFICES
KOTEEN & NAFTALIN, L.L.P.

1150 CONNECTICUT AVENUE
WASHINGTON, D.C. 20036

BERNARD KOTEEN*
ALAN Y. NAFTALIN
ARTHUR B. GOODKIND
GEORGE Y. WHEELER
MARGOT SMILEY HUMPHREY
PETER M. CONNOLLY
CHARLES R. NAFTALIN
GREGORY C. STAPLE
R. EDWARD PRICE

* SENIOR COUNSEL

TELEPHONE
(202) 467-5700
TELECOPY
(202) 467-5915

August 18, 1997

Mr. William Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, DC 20554

RECEIVED
AUG 18 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: MD Docket No. 96-186

Dear Mr. Caton:

Herewith transmitted, on behalf of United States Cellular Corporation, are an original and four copies of a "Motion To Accept Late-Filed Comments" and its "Comments" in the above-referenced proceeding.

In the event there are any questions concerning this matter, please communicate with this office.

Very truly yours,


Peter M. Connolly

Enclosure

No. of Copies rec'd 024
List ABCDEF

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED
AUG 18 1997
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Implementation of Section 9)
of the Communications Act) MD Docket No. 96-186
)
Assessment and Collection of)
Regulatory Fees For Fiscal)
Year 1997)

MOTION TO ACCEPT LATE-FILED COMMENTS

United States Cellular Corporation ("USCC"), through undersigned counsel, hereby requests that the FCC accept these comments, filed two business days late, in the above-captioned proceeding.

The press of other business, particularly the involvement of undersigned counsel in the preparation of a brief filed in the U.S. Court of Appeals for the D.C. Circuit on August 15, prevented the attached comments from being written and filed by August 14.

It is submitted that no commenting party will be prejudiced by the Commission's consideration of the attached comments, especially in light of the fact that there will be no reply comments filed in this proceeding. Also, since the comments are being submitted only

No. of Copies rec'd . . .
List ABCDE

two days late the FCC will also not be inconvenienced by considering USCC's comments before acting.

USCC and undersigned counsel understand the importance of complying with FCC deadlines, generally do so, and will make every effort to do so in the future. However, in a proceeding of this type, the public benefit of considering all comments, even those filed slightly late, should outweigh the Commission's interest in strict compliance with its comment filing deadline.

For the foregoing reasons we ask that these comments be considered.

Respectfully submitted,

UNITED STATES CELLULAR CORPORATION

By: 
Peter M. Connolly

Koteen & Naftalin, L.L.P.
1150 Connecticut Ave., N.W.
Washington, D.C. 20036

August 18, 1997

Its Attorneys

In the Matter of)
)
 Implementation of Section 9)
 of the Communications Act) MD Docket No. 96-186
)
 Assessment and Collection of)
 Regulatory Fees For Fiscal)
 Year 1997)

United States Cellular Corporation ("USCC"), hereby files its Comments in the above-referenced proceeding. USCC currently owns and/or operates cellular systems in 141 markets and paid between \$250,000 and \$300,000 in total regulatory fees in 1996. Accordingly it has standing to comment in this proceeding.

USCC strongly opposes the Commission's proposal to make publicly available the amount of the regulatory fees paid by licensees and the corresponding "volume or units" upon which the fee payments are based. USCC provides cellular services through over one hundred subsidiaries and lists the call signs of those subsidiaries in its regulatory fee payment submission, with dollar amounts by call sign.

Obviously, if such data were published on a disaggregated basis, USCC competitors would gain competitively valuable information about USCC's market shares merely by obtaining a copy of the Federal Register.

USCC would have less objection on competitive grounds to publication of such data on an aggregated basis but still objects to the publication of such data at all.

As CTIA has pointed out in its Comments in this proceeding, the only justification furnished by the FCC for the publication of such data, namely to enable fee payers to ascertain that their fee payments have been "properly recorded" is, in fact, superfluous since fee payers may already, if they wish, receive an official record of payment from the FCC.

We would add that while fee payers such as USCC certainly wish their fee checks to be received, cashed by the FCC, and deposited in the proper accounts, we consider the proper "recording" of such payments to be the business of the FCC and not the business of licensees or their competitors. Just as individual taxpayers would not wish their tax payment amounts to be published by the IRS to ensure proper "recordation," FCC regulatory fee payers believe they are doing enough for their government by paying their fees without having to ensure that the government's records are kept properly.

This proposal, like the Commission's proposal to require that fee payment records be maintained for three years (rather than a more reasonable one or, at most, two years), reflects an evident inability to leave well enough alone. Beginning in 1995 (for fiscal 1994), FCC licensees have uncomplainingly paid hundreds of millions of dollars into the Federal Treasury, in ever increasing amounts, to sustain the FCC's activities. If USCC's experience is typical and we believe it to be, these calculations are made carefully and accurately. To our knowledge no licensee's fee payments have been questioned by the FCC. The system works and is not in need of the "improvements" proposed.

Conclusion

For the foregoing reasons, we ask that the FCC not adopt its proposal to publish regulatory fee payment amounts and reconsider its need to have licensees retain supporting documentation for fee payments for three years rather than some shorter period.

Respectfully submitted,

UNITED STATES CELLULAR CORPORATION

By: 

Peter M. Connolly

Koteen & Naftalin, L.L.P.
1150 Connecticut Ave., N.W.
Washington, D.C. 20036

August 18, 1997

Its Attorneys